STATE OF NEW YORK

8767

2017-2018 Regular Sessions

IN ASSEMBLY

November 3, 2017

Introduced by M. of A. ORTIZ, ENGLEBRIGHT, SEPULVEDA -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to prohibiting bail when a defendant is charged with a felony sex crime with a minor victim who is a vulnerable person or a person with a disability

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 530.40 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding the provisions of subdivision two, a superior court may not order recognizance or bail when the defendant is charged with a felony defined in article one hundred thirty of the penal law, committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age who is a vulnerable person or a person with a disability as such terms are defined in section five hundred fifty of the executive law.

§ 2. Paragraph a of subdivision 2 of section 530.20 of the criminal procedure law, as amended by chapter 531 of the laws of 1975, is amended to read as follows:

(a) A city court, a town court or a village court may not order recognizance or bail when (i) the defendant is charged with a class A felony, [~~or~~] (ii) it appears that the defendant has two previous felony convictions[~~.~~]**, or (iii) the defendant is charged with any felony defined in article one hundred thirty of the penal law, committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age who is a vulnerable person or a person with a disability as such terms are defined in section five hundred fifty of the executive law.**

§ 3. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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